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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,040	12/12/2000	Harri Tapani Vilander	2380-198	3501

23117 7590 01/25/2006

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EXAMINER

BARQADLE, YASIN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,040

Applicant(s)

VILANDER ET AL.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 1-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 29, 2005 has been entered.

Response to Amendment

2. The amendment filed on September 29, 2005 has been fully considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 41, 46, 50 and 56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "A protocol stack of the protocol architecture in the transport network layer comprises; a link layer protocol; Internet Protocol on top of the link layer protocol; UDP Protocol on top of the Internet Protocol," it is not clear how the transport network layer can comprise the above mentioned layer protocols. TCP/IP protocol stack in both the OSI model and the five layers of the TCP/IP model show the transport layer being a separate layer (layer 4), which is above layer 3 (network layer), layer 2 (data link layer) and layer 1 (physical layer). that means they are not in the transport (network) layer. Particularly, It is not clear what the transport network layer is. It is either transport layer (layer 4) or network layer (layer 3).

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Response to Amendment

4. The amendment filed on September 29, 2005 has been fully considered but are not deemed to be persuasive.

- Claims 1-40 have been canceled.
- Claims 41-58 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is

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determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 41-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Subbiah et al USPN (6366961).

As per 41,47 and 50, Subbiah et al teach a telecommunications system having a protocol architecture over an interface between nodes of the telecommunications system (Fig. 1), wherein a protocol stack of the protocol architecture in the transport network layer comprises:

the link layer protocol; the Internet Protocol on top of the link layer protocol; UDP Protocol on top of the Internet Protocol, RTP protocol on top of the UDP protocol [See fig. 4]; and

wherein the Internet Protocol, the UDP Protocol, and the RTP protocol are utilized in lieu of Asynchronous Transfer Mode (ATM) and ATM adaptation layer 2 (AAL2) "ATM Adaptation layer 2 (AAL2), a multiplexing scheme at the ATM cell level, has been standardized by the International Telecommunications Union-Telecommunications Standardization Sector (ITU-T) to carry compressed speech in an ATM environment. The main problem in transporting the small packets in a regular RTP based IP telephony model is the

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large amount of overhead due to RTP/UDP/IP headers) col. 1, lines 51- to col. 2, lines 5) and see col. 45-67 and col. 6, lines 47-61), Subbiah suggests and uses an improved method of using RTP/UDP/IP instead of ATM and Aal2), wherein the interfaces is between a radio network and a core network, and carries circuit switched connections (see fig. 5).

As per claim 42 and 51, Subbiah et al teach the system of claim 41, wherein the Internet Protocol is immediately above the link layer protocol in the transport network layer [see Fig. 4 and col. 6, lines 47-61].

As per claim 43 and 52, Subbiah et al teach the system of claim 1, wherein the interface carries a circuit switched connection (see Fig. 5).

As per claim 44 and 53, Subbiah et al teach the system wherein the link layer protocol is Ethernet protocol [col. 7, lines 20-30 local user in a LAN user Ethernet).

As per claim 45 and 54, Subbiah et al teach the system of claim 4, wherein in the Internet Protocol a sequence number is carried in one of an IP option field and a Ipv6

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extension header, the sequence number being used for rearranging incoming IP datagrams [see Fig.3 and col. 5, lines 59 to col. 6 line 31].

As per claim 46 and 55, Subbiah et al teach the system of claim 3, wherein the protocol stack of the protocol architecture further comprises, in a radio network layer, a frame handling protocol on top of the UDP Protocol (see fig. 4 and 5)

As per claim 48 and 57, Subbiah teaches the system of claim 14, wherein the interface is between a radio access network and a core network, and wherein in the RTP Protocol one synchronization source (SSRC) identifier is allocated to each circuit switched connection between the node in the radio access network and the node in the core network [see Fig. 2 and 7; col. 5, lines 5-45].

As per claim 49 and 58 Subbiah teaches the system of claim 14, wherein the RTP Protocol compresses plural RTP packets in an IP datagram [see Fig. 2 and 7; col. 5, lines 5-45].

As to claim 56, this is a method claims with similar limitations as claim 41 and 47 above. Therefore, it is

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rejected with the same rationale. Subbiah further teaches using UDP port number of the UDP protocol as connection identifier (see fig. 7).

Conclusion

6. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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KRISNA LIM
PRIMARY EXAMINER